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Message Text

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17
ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CCO-00 CIAE-00 OTPE-00 FCC-02

INR-07 NSAE-00 OC-05 USIA-15 COME-00 BIB-01 PA-02

PRS-01 /053 W
---------- 082236
R 232057Z APR 76
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 9538

UNCLAS OTTAWA 1590

POUCHED AS INFO TO ALL CONSULATES IN CANADA

E.O. 11652: NXA
TAGS: ETEL, CA
SUBJ: CRTC REGULATORY POWERS

1. BEGIN SUMMAY. TORONTO GLOBE AND MAIL HAS PUBLISHED STRONG EDITORIAL CRITICIZING DICTATORIAL POWERS OF CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION (CRTC) PRIMARILY IN CONTEXT OF PRIVATE PAY-TV, BUT IN LANGUAGE WHICH SUGGESTS BROADER DISCONTENT WITH REGULATORY BODY. TEXT OF EDITORIAL TRANSMITTED HEREWITH. EMBASSY COMMENTS RELATE SPECIFIC ISSUE TO MORE GENERAL QUESTIONS THAT MAY BE FACED IN CONTEXT OF 1977 COMMUNICATIONS LEGISLATION. END SUMMARY.

2. FOLLOWING IS TEXT OF EDITORIAL ENTITLED "CRTC DICTATOR-SHIP, WITH POLITICAL BLESSING" PUBLISHED TORONTO GLOBE AND MAIL, APRIL 23:

BEGIN TEXT. A DEMOCRATICALLY ELECTED GOVERNMENT SHOULD NOT PORPOSE, AND A DEMOCRATICALLY ELECTED PARLIAMENT SHOULD NOT APPROVE, LEGISLATION WHICH ESTABLISHES AN AUTHORITARIAN AGENCY. YET THAT IS WHAT THEY BOTH DID WHEN THEY ESTABLISHED THE CANADIAN RADIO-TELEVISION COMMISSION.
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THE CRTC MUST BE THE ONLY AGENCY IN THE COUNTRY--AT LEAST WE HOPE SO--WHICH CAN EXTEND ITS JURISIDCTION BY ANNOUNCING THAT IT IS DOING SO. THE CRTC HAS ANNOUNCED THAT IT IS TAKING CONTROL OF APARTMENT ANTENNA TELEVISION SYSTEMS. UNTIL NOW APARTMENT MASTER ANTENNA SYSTEMS WERE FREE OF CRTC CONTROL IF THEY WERE TOTALLY ON ONE PIECE OF PROPERTY, EVEN THOUGH THEY MIGHT SERVE THOUSANDS OF RESIDENTS. NOW THEY WILL BE REQUIRED TO GET CRTC LICENCES UNLESS THEY ARE ALREADY DOING WHAT THE CRTC WANTS THEM TO DO.

WHAT APPEARS TO HAVE PROMPTED THE COMMISSION'S ACTION IS THAT IT WANTS TO PREVENT THE DEVELOPMENT OF UNLICENCED PAY-TV. ONE PAY-TV COMPANY HAS BEEN OFFERING SUCH A SERVICE TO RESIDENTS IN AN APRTMENT DEVELOPMENT IN METRO TORONTO. UNDER THE NEW SYSTEM IT WOULD HAVE TO GET A LICENCE TO DO SO, AND THE CRTC HAS REFUSED ALL OTHER APPLICATIONS FOR PAY-TV SERVICES. THE CRTC, IN OTHER WORDS, IS AGAINST PAY-TV, LICENCED OR UNLICENCED. THAT'S THAT.

THE LEGISLATION WHICH SET UP THE CRTC PROBABLY ALLOWS FOR THIS EXTENSION OF ITS AUTHORITY. IT IS SO COMPREHENSIVE AND SO GENERAL THAT IT ALLOWS THE CRTC TO DO PRACTICALLY ANYTHING WHICH IT CAN DISTANTLY RELATE TO BROADCASTING, EVEN WHEN THE ELEMENT OF BROADCASTING ITSELF, AS IT WAS ORIGINALLY UNDERSTOOD, IS NO LONGER INVOLVED.

THE CRTC HAS NOT YET EXERTED CONTROL OVER PRIVATE HOME TV ANTENNAS, BUT CITIZENS SHOULD NOT ENTERTAIN ANY CONFIDENCE THAT IT WILL NOT. IF IT DECIDED THAT TOO MANY OF US, TOO OFTEN WERE USING THEM TO TUNE IN FOREIGN STATIONS WHEN WE OUGHT TO BE LISTENING TO CANADIAN STATIONS, IT COULD DECIDE TO LICENCE PRIVATE ANTENNAS AND THEN--AS WITH PAY-TV--REFUSE TO ISSUE ANY LICENCES. THE CRTC IS USING ITS POWERS TO DETERMINE WHAT CANADIANS SHALL SEE OR HEAR. IT IS LIMITING THE CHOICE THAT OUGHT TO BELONG TO THEM. AND PARLIAMENT IS LEETING THE CRTC GET AWAY WITH IT.
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IF THE LEGISLATION SETTING UP THE CRTC HAD BEEN SPECIFIC, THE CRTC WOULD HAVE TO GO BACK TO THE GOVERNMENT AND PARLIAMENT FOR EACH EXTENSION OF ITS POWERS. THAT WOULD LEAD TO SOME VERY ACRIMONIOUS DEBATE. IT MIGHT VERY WELL LEAD TO THE GOVERNMENT DECIDING NOT TO INTORDUCE LEGISLATION GRANTING THE POWERS, OR TO PARLIAMENT'S REFUSING TO APPROVE THEM OR TO THE POEPLE RAISING SO MUCH

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OPPOSITION THAT BOTH GOVERNMENT AND PARLIAMENT WOULD
OBEY PUBLIC WILL AND SAY NO TO THE CRTC.

THE CRTC HAS NOT GIVEN MUCH OF A FIG FOR PUBLIC
WILL. IT DOESN'T CARE WHETHER THE PUBLIC WANTS PAY-TV
OR NOT; IN FACT, IT MUST SUSPECT THAT IT DOES. IT
HAS REFUSED TO LET PAY-TV IN CANADA BECAUSE IT MIGHT
REDUCE THE AUDIENCE FOR LICENCED TV STATIONS AND
THUS MAKE IT HARDER FOR THOSE STATIONS TO PRODUCE WHAT
THE CRTC CONSIDERS TO BE GOOD CANADIAN PROGRAMS.
IT IS NOT AT ALL TOO FANCIFUL TO SUPPOSE THAT ONE DAY
THE CRTC WILL FORCE EVERYBODY ONTO CABLE, AND ELIMINATE
ALL BUT CANADIAN PROGRAMS FROM CABLE. ITS ACTIONS--
INHIBITED AT TIMES BY SUCH OUTRAGED PUBLIC OPINION THAT
THE POLITICIANS HAD TO PAY ATTENTION--HAS SUGGESTED
THAT IS ITS ULTIMATE GOAL.

THIS IS DEMOCRACY? END TEXT.

3. COMMENT: WE ARE NOT AWARE OF ANY GENERAL DISQUIET
ON THE PART OF GOC WITH HOW CRTC HAS INTERPRETED ITS
POWERS UNDER 1968 BROADCASTING ACT. HOWEVER, THERE ARE
SPECIFIC AREAS SUCH AS THE CRTC'S PROHIBITION OF COMMON
OWNERSHIP BETWEEN BROADCASTING AND CABLE COMPANIES WHICH
HAVE AROUSED DISCONTENT AT THE POLITICAL LEVEL. BY ITS
INTERVENTION ON BEHALF OF THE BORDER STATIONS THE USG
HAS CAUSED THE GOC AT LEAST TO LOOK AT CRTC'S DELETION
POLICY. THE NEGATIVE STANCE OF CRTC TOWARD PAY-TV IS
ALSO GENERATING SOME CONCERN AMONG THE SENIOR
BUREAUCRACY OF THE DEPARTMENT OF COMMUNICATIONS
AND A RECENT STATEMENT BY CHAIRMAN BOYLE THAT
CRTC WILL REVIEW ITS FAIRNESS POLICY WITH A VIEW TO
EXTENDING THE CONCEPT OF COMMERCIALS MAY BE
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EXPECTED TO PROVOKE AN INTERESTING POLITICAL DEBATE.
ALL THIS--INCLUDING THE GLOBE AND MAIL'S CONCERN ABOUT
REGULATING PRIVATE MASTER ANTENNAS--MAY BE TAKEN UP
IN CONNECTION WITH THE LONG-ANTICIPATED PART II OF THE
TELECOMMUNICATIONS LEGISLATION EXPECTED TO BE INTRODUCED
IN 1977. ALTHOUGH THAT MEASURE HAS BEEN DISCUSSED
LARGELY IN TERMS OF FEDERAL VS. PROVINCIAL REGULATION
OF THE COMMUNICATIONS CARRIERS, IT ALSO WILL DEAL WITH
SOME BROADCASTING QUESTIONS AS BOTH AREAS ARE NOW FEDERALLY
REGULATED IN A SINGLE BODY, THE ENLARGED CANADIAN
RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION
(SEE OTTAWA A-257, APR 9, 1976). ENDERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TELECOMMUNICATION, POLICIES, TAX LAW, PRESS COMMENTS, RADIO BROADCASTING, TELEVISION BROADCASTING, LEGISLATIVE BILLS, FEES
Control Number: n/a
Copy: SINGLE
Draft Date: 23 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976OTTAWA01590
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760156-0042
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760429/aaaaayik.tel
Line Count: 166
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 25 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 MAY 2004 by SilvaL0>; APPROVED <24 JAN 2005 by ellisoob>
Review Markings:

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US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CRTC REGULATORY POWERS
TAGS: ETEL, CA, CRTC, CANADIAN RADIO-TELEVISION COMM
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

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